

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

THE HONORABLE STEPHEN V. WILSON, DISTRICT JUDGE PRESIDING

USA, )  
)  
Plaintiff, )  
)  
vs. ) No. CR 15-611-SVW  
)  
SEAN DAVID MORTON AND MELISSA )  
MORTON, )  
)  
Defendants. )  
\_\_\_\_\_)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

LOS ANGELES, CALIFORNIA

MONDAY, SEPTEMBER 18, 2017

**SENTENCINGS**

\_\_\_\_\_  
DEBORAH K. GACKLE, CSR, RPR  
United States Courthouse  
350 W. First Street, 4th Floor  
Los Angeles, California 90012  
(213) 894-8913

**APPEARANCES OF COUNSEL:**

**For the Plaintiff:**

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ACTING UNITED STATES ATTORNEY  
BY: VALERIE MAKAREWICZ  
BY: JAMES HUGHES  
ASSISTANT UNITED STATES ATTORNEYS  
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Los Angeles, California 90012

**For the Defendant Melissa Morton:**

HILARY POTASHNER  
FEDERAL PUBLIC DEFENDER  
BY: ANGEL NAVARRO  
DEPUTY FEDERAL PUBLIC DEFENDER  
321 East Second Street  
Los Angeles, California 90012

**For the Defendant Sean David Morton:**

SEAN DAVID MORTON, PRO SE

- - - - -

1           **LOS ANGELES, CALIFORNIA; MONDAY, SEPTEMBER 18, 2017;**

2                           **11:05 A.M.**

3                           - - - - -

4  
5           THE CLERK:   Item 4, CV 15-611-SVW, United States of  
6 America versus Sean David Morton.

7           Counsel, please state your appearance.

8           MS. MAKAREWICZ:   Good morning, Your Honor.   Assistant  
9 United States attorney Valerie Makarewicz and James Hughes for  
10 the defendant.

11           DEFENDANT SEAN DAVID MORTON:   Once again, I'm Sean.  
12 I am not the strawman or corporate entity or franchisee known  
13 as the all capital letters SEAN DAVID MORTON; I am a living man  
14 and appearing as a living man.   Also I have documents from the  
15 court if I may submit to the clerk?

16           THE COURT:   Yes.

17           DEFENDANT SEAN DAVID MORTON:   There's an ex parte  
18 motion before the court as well.   There's an ex parte motion  
19 for the court to vacate the void proceeding because it's not  
20 constitutional to not inform me of the nature of cause.   No man  
21 shall be deprived of property without due process --

22           THE REPORTER:   I'm not hearing you, Mr. Morton.  
23 Thank you.

24           DEFENDANT SEAN DAVID MORTON:   Sorry.

25           THE REPORTER:   Start again.

1           DEFENDANT SEAN DAVID MORTON: There's an ex parte  
2 motion -- should be an ex parte motion before the court to  
3 vacate this void proceeding because it is unconstitutional to  
4 not inform me of the nature of the cause. No man shall be  
5 deprived of property without due process, which means I must be  
6 informed of the nature, or you're proceeding in the -- in  
7 excess of jurisdiction. In all criminal proceedings, the  
8 accused shall be informed the nature of the cause against him.

9           And I do have a question for the court as to whether  
10 or not this is a court of record? Sir, is this a court of  
11 record?

12           THE COURT: This is the time for sentencing. Will  
13 the documents that defendant Morton filed be marked as part of  
14 the record.

15           DEFENDANT SEAN DAVID MORTON: Again, sir, is this  
16 considered a court of record?

17           THE COURT: Yes, it is, sir.

18           DEFENDANT SEAN DAVID MORTON: This is a court of  
19 record?

20           THE COURT: This is the time for sentencing.  
21 Have you read the presentence report?

22           DEFENDANT SEAN DAVID MORTON: I have, I think.

23           THE COURT: Okay. I'll hear from you regarding what  
24 the appropriate sentence should be. This is your time to  
25 address the court as to all matters that you think relate to

1 the appropriate sentence in the case. So you can -- is it  
2 easier for you to speak from the table or from the lectern?

3 DEFENDANT SEAN DAVID MORTON: Well, I obviously have  
4 questions for the court so ...

5 THE COURT: Okay.

6 DEFENDANT SEAN DAVID MORTON: So you're saying for  
7 the record, sir, that this is a court of record?

8 THE COURT: Yes, it is, sir.

9 DEFENDANT SEAN DAVID MORTON: Okay. All right.  
10 Well, it's -- once again, I move this court to dismiss this  
11 case against me for being void as the court failed to inform  
12 me, the accused, of the nature of the cause and is moving in  
13 error and bad faith and as a breach of duty to the  
14 Constitution.

15 I filed a claim. This time it is my wish to have due  
16 process; so if we could talk about the nature, jurisdiction,  
17 and authority in this court -- in this court of record with  
18 power to -- once again, I point out that I'm appearing as the  
19 living man. I am unenfranchised; I am not on the all-capital  
20 strawman letter name. Unless anybody can verify under oath  
21 that I am that all capital name. So A.P. statutes require the  
22 nature of the proceedings and their authority -- maxim of law  
23 is that no court which has not a record can impose a fine or  
24 commit any person to prison because those powers belong only to  
25 courts of record.

1           So if you'll notice also, I have rescinded every  
2 document relative to the nonnegotiable monetary instrument, and  
3 I would like the, at this time, the minutes of the court to  
4 reflect that I rescinded all the documents, and I move that the  
5 minutes of the court be changed to reflect this. So I move  
6 that the minutes of the court be changed to reflect that I've  
7 rescinded all the documents relevant to the bonds.

8           So subject matter ceases to exist, and without the  
9 nonnegotiable monetary instruments, all the tax issues are  
10 beyond the statute of limitations actions; and, once again, I  
11 would like to ask the prosecutors does the IRS actually have a  
12 claim against me? Can I ask that question?

13           THE COURT: No.

14           DEFENDANT SEAN DAVID MORTON: Okay. Again, I've not  
15 been informed. I've withdrawn my plea three times. So there  
16 is plea on the record. There was a motion that the plea was  
17 withdrawn back in March. There was another motion, which I put  
18 to you, which you said I couldn't withdraw the plea because it  
19 was after -- after the jury trial. I withdrew my plea again  
20 with a motion on June -- the morning of June 18th, along with  
21 the notification to this court that there was an emergency that  
22 it removed to the Supreme Court in the form of an emergency --  
23 emergency injunction, which got waylaid. It got there on the  
24 Monday morning before this court was in session. Did not reach  
25 of the judge of -- the desk of Justice Kennedy, but it was

1 actually submitted three more times --

2 THE REPORTER: Pardon me?

3 MR. MORTON: The Supreme Court of the United States,  
4 Justice Kennedy of the Supreme Court of the United States.

5 So, again, I've not been informed of the nature,  
6 which is a breach of duty, it's unconstitutional and void; and  
7 the sovereign people of California, of which I am, do not yield  
8 our sovereignty to the agencies which serve us. I do not agree  
9 to be imprisoned by a hearing officer. So I demand the sealed  
10 warrant be reviewed for Fourth Amendment requirements. For  
11 example, in this case any evidence or probable cause was not  
12 presented to the court. The warrant was actually not on the  
13 premises at the time. What gives the IRS the right to come  
14 into the sovereign state of California and arrest people,  
15 especially on boats belonging to the Bahamas.

16 So under oath -- of a crime, once again signed by --  
17 was the actual warrant signed by a judge, which it wasn't.  
18 Under oath of a crime, which is wasn't, and is the IRS  
19 authorized to come into California and arrest us. Once again,  
20 I would like also the public credentials of all the parties  
21 here, these attorneys, if they're registered under the  
22 California bar. How did they practice within District of  
23 Columbia?

24 And I would like my objections put on the record, and  
25 I also -- I mean, all of my notices, which were all unrebutted,

1 were all ignored. So did the court not receive notice -- I'm  
2 sorry.

3           Once again, there was notice on the record that I  
4 rescinded every act this began with, and, once again, I require  
5 you to notice that the subject matter ceased to exist when I  
6 rescinded the contracts that began all this. I gave notice to  
7 rescind my plea in March, as I said, and then you denied a  
8 motion to rescind the plea in April saying the trial was  
9 already over, ignoring so many material facts, labeled notice  
10 is a breach of duty, and -- the duty to be impartial, and it  
11 seems to be clear bias on the part of the court.

12           Not going by rules for the accused representing  
13 himself is also biased. Rule 17, once again, you needed to go  
14 by all of the rules of my domicile, which is the sovereign  
15 state of California, which is under common law, quote, "The  
16 basis of all decisions in California are by the rules of  
17 English common law and all California courts are courts of  
18 record." Again, I do not have a plea on the record, which was  
19 made under duress, and I do not understand the nature of this  
20 enough to plead. I have no real understanding of what it is we  
21 supposedly did wrong, and I don't understand the administrative  
22 nature of what's happening.

23           So I move to dismiss or void; no subject matter  
24 jurisdiction; failure to state a claim upon which relief can be  
25 granted; there's no verified complaint or declaration of injury



1 and testimony by the plaintiff or any first-hand witness.

2 The ex parte motion to vacate void proceedings is on  
3 file with the court. Damages are on the desk of David Pinches,  
4 an attorney for Makarewicz and Hughes.

5 So, once again, has everybody got a copy of what I  
6 just put in? I need due process to be heard because there is a  
7 substantial burden upon my constitutional properly -- proper  
8 entitlement interest, and I require the use of this venue as a  
9 court of record in which to move my claim through because I am  
10 aggrieved and have had no due process and believe there is a  
11 false claim against me based on a forged instrument; and the  
12 forged instrument is the actual indictment which was not  
13 signed, again, by -- it's an imaginary being of the United  
14 States so -- and the IRS.

15 So does anyone wish to get on the stand and contest  
16 my claim under oath at this time?

17 Okay.

18 So I'm aggrieved and have had no due process. I  
19 believe there is a false claim against me based on a forged  
20 instrument. Once again, if not, this case must be dismissed  
21 immediately and discharged. If there is a dispute to my claim,  
22 we need to discuss it right here and right now without delay  
23 because my property of rights is being withheld from me by you  
24 persons acting unlawfully in breach of duty.

25 So does anyone wish to dispute this? If not, I would

1 like to go home, and who wants to keep me here against my will  
2 under the guise of doing someone wrong and me doing a crime  
3 when we all no there is not an injured, and that means no crime  
4 by superior law of the land. And you're all supposed to be  
5 bound by the supremacy clause, and I'm also claiming that  
6 you're exceeding jurisdiction to imprison me with no authority  
7 to do so because this is an inferior court. My court is a  
8 court of record. You're injuring me, which means I have  
9 standing to sue. None of you have standing under the doctrine  
10 of standing, which every court needs to lawfully proceed. By  
11 "standing" I mean distinctive and palpable injury as opposed to  
12 hypothetical and conjectured injury with the causal connection  
13 between the claimed injury and challenged conduct, and the  
14 court must be able to address the injury.

15           The court of record proceeds only by common law. A  
16 federal crime victim -- here's the actual definition -- is,  
17 quote, "A person directly or proximally harmed as a result of  
18 the commission of a federal offense or an offense within the  
19 District of Columbia."

20           Well, we're not in the District of Columbia; no one  
21 was actually harmed, and that comes directly from 18 U.S.C.  
22 Section 371(e). So void by contempt and -- anyway, it's  
23 contempt to sue -- it is contempt under this definition to sue  
24 in a fictitious party's name. *Black's Law*, 2nd Edition.  
25 That's exactly what the parties did here.

1           Once again, let me point out just for all of this --  
2   I wrote a -- as far as I know -- a tax return that was sent by  
3   the IRS as part of a computer error, they claim, that was an  
4   erroneous return is not a crime, and I wrote a Freedom of  
5   Information Letter Act to the Internal Revenue Service, and  
6   because the trial was sped up from July back to April, I got  
7   the letter actually after the trial occurred. So I certainly  
8   want it to be considered that the IRS sent me a letter that  
9   said no one at the Internal Revenue Service has a claim against  
10   you, number one. Number two, your tax return was generated as  
11   a computer error on our part, and Maureen Green, I think, did  
12   the audit, and she was responsible for the error.

13           So an erroneous tax return generated by an IRS  
14   computer error is not a crime. The void coupon sent to IRS  
15   void -- coupon sent to IRS to discharge an imaginary debt that  
16   the IRS created as an imaginary lien, when there is no gold or  
17   silver under Article I, Section 10 of the U.S. Constitution and  
18   Article I, Section 10 of the California Constitution to  
19   discharge public exactions is also not a crime. Nonnegotiable  
20   instruments sent with a a self-addressed, stamped envelope to  
21   return if was there any deficiency of the instrument sent with  
22   a letter of advice saying, Can you please give us a legal  
23   opinion on what this is, sent with a memorandum of  
24   understanding, and then four subsequent actual requests for  
25   people to return whatever instruments that they have, again,

1 does not constitute fraud; it constitutes full disclosure and  
2 does not constitute an actual crime.

3           So the court refused to inform me of the nature of  
4 the offense, civil or criminal. I asked this court, as well,  
5 was this a civil or criminal proceedings. I was told I was  
6 being facetious. So there is no persona jurisdiction, once  
7 again, because I'm one of the people of California, and I've  
8 withdrawn my plea and removed the case -- and done everything I  
9 could do to remove case to the Supreme court for an application  
10 for emergency injunction, and Justice Thurgood Marshall said  
11 it's -- one can can ignore void orders of -- or any order under  
12 the theory of law that does not meet Constitutional duty, it is  
13 void and can be ignored, right -- right to exercise  
14 constitutionally protected, right to ignore a void proceeding.

15           And, once again, I move that the Sixth Amendment  
16 guarantee to know that I am -- that the -- to know the informed  
17 nature of this offense has not been met, and what evidence says  
18 I was informed of the nature? I was not informed. My Sixth  
19 Amendment rights have been denied; so all this is void. I  
20 would like to go home now, and I move to dismiss all this as  
21 void for breach of constitutional guarantees.

22           By the way, 18 U.S.C. 377 says, "A federal crime  
23 victim is a person directly or proximally harmed as a result of  
24 the commission of a federal offense or an offense within the  
25 District of Columbia." Again, we're not in the District of

1 Columbia.

2 As of now, under 5 U.S.C. 702 -- since the court has  
3 not responded to anything I've really said -- I motion to  
4 remove this case against me for judicial review to a nonbiased  
5 court in a new hearing, and I wish and demand no further  
6 intercourse with this court or its officers, and I demand no  
7 further intercourse be forced upon me. So, once again, I have  
8 a motion that this case that -- because everything I've said  
9 has been ignored, I move that this court be found in contempt  
10 and this case be moved to judicial review to another court that  
11 I believe to be unbiased and also an expedited hearing for a  
12 habeas corpus, which is proof of an injured party.

13 So motions I have before the Court is -- once again,  
14 I demand judicial review of a court that I feel is unbiased  
15 and an expedited hearing for habeas corpus or proof of an  
16 actual individual party being injured.

17 Can I have a response to any of that?

18 THE COURT: Well, to the extent what you just argued  
19 are motions, they're all denied.

20 DEFENDANT SEAN DAVID MORTON: Okay. So can you deny  
21 under 5 U.S.C. 702, motion to remove case against me for  
22 judicial review? You can deny that as a hearing officer of an  
23 administrative court?

24 Okay.

25 All right. Let me say this: I'm just -- as long as

1 all that is on the record -- when I was ten years old, I  
2 actually had the opportunity to meet Ronald Reagan at the  
3 Ambassador Hotel and got his autograph and thought he was one  
4 of the -- one of the -- greatest man I think I'd ever met, or  
5 one of the greatest men that ever lived, and I remember getting  
6 his autograph, and he said, "What do you want to be when you  
7 grown up, young man?"

8 And I said, "I'd like to be president of the United  
9 States, sir."

10 And he tossed my hair -- and I'll never forget what  
11 he said -- he said, "Well, well, I if get there before you,  
12 I'll give a few pointers."

13 Years later in 1980 I had the opportunity to campaign  
14 for -- for President Reagan actually in New Mexico where we  
15 traveled amongst the schools, and we debated the Jimmy Carter  
16 people about what we felt was the new hope for America, and the  
17 motto of the Reagan administration at that time was "Less  
18 government, more personal responsibility, and with God's help a  
19 better world." And we actually won for the first time; the  
20 republicans actually won New Mexico in favor of Reagan, and so  
21 my goal and my quest for all of my life, along with my great,  
22 great, great grandfather being John Morton, who actually signed  
23 the Declaration of Independence and was one of the authors of  
24 the Articles of Confederation, and then going down through  
25 time, I've had nothing but respect and awe for the

1 constitutional principles of the United States.

2 In regards to this matter, again, I point out that  
3 there is -- that there's been a fictitious instrument that's  
4 been entered in the name of a fictitious entities, which I  
5 think directly violates my Sixth Amendment right to face an  
6 accuser or somebody that I supposedly harmed or damaged. In  
7 the case of the Internal Revenue Service, again, I would like  
8 the opportunity to present the Freedom of Information Act  
9 letter that I got from the IRS that stated that your tax  
10 return, back in 2009, was a computer error on their fault, was  
11 an erroneous return, which, again, is not criminal, was an  
12 erroneous return based on a computer error by them.

13 When it came to the nonnegotiable monetary  
14 instruments, we're beset with a real problem in the United  
15 States because there is no gold or silver. You yourself  
16 understood that we went off the Gold Standard in 1933 with the  
17 bankruptcy in the United States, and we talked about that  
18 during trial. And how do people setoff, settle, and discharge  
19 debt or any public exaction without either gold or silver under  
20 Article I, Section 10 of the U.S. Constitution, Article I,  
21 Section 10 of the California State Constitution as well. And  
22 in the course of that, we became familiar with the  
23 nonnegotiable monetary instruments, which only set to, we  
24 felt -- by the way, did not profit us other than we have folks  
25 donate funds to us for paperwork. But, again, when you send a

1 document that has full disclosure, and you beg for them to give  
2 that document back if there's anything wrong with it and now  
3 facing what we're facing with, again, our -- literally just  
4 trying to help people who are being crushed by mortgages or  
5 being crushed by credit card debt, who are being crushed by all  
6 these things, I saw this as a viable alternative to safety. I  
7 know over the course of three years or so, the sum of -- I  
8 think 16 monetary instruments -- I think they were all we  
9 did -- I think was 16 monetary instruments for, I think, about  
10 13 people or so. Over the course of the three years, we got so  
11 frustrated because we obeyed all of the -- first off, as I  
12 said, when we submitted them, there was a -- the letter of  
13 advice; there was a letter that said, "Please send this back";  
14 there was a letter that said, "Please have your attorneys  
15 address this. If there's anything wrong this, please send it  
16 back."

17           The United States Treasury website also said that if  
18 there is any bond that came into dispute, that bond was to be  
19 dishonored and returned within 30 days; and that comes right  
20 off the Secret Service website. I don't understand what the  
21 IRS is doing actually enforcing or investigating any of this.  
22 That's number one.

23           Number two, when it came to the return, again, we  
24 submitted multiple notices. Under the California laws of  
25 novation and accord and the California laws of accord and



1 satisfaction, and all of the laws of the Uniform Commercial  
2 Code, as well. As to the first presentment, which said,  
3 "Please send this back if there's anything wrong with it."  
4 Then there was a notice of fault, okay? You've not returned  
5 anything. What do we do? Then there was a notice of default  
6 which is all right, now 60 days have gone, not gotten anything.  
7 And finally it was a notice of default and dishonor, and the  
8 default and dishonor was, all right, well, under accord and  
9 satisfaction, under novation and accord, under the Uniform  
10 Commercial Code laws, under the laws of the State of  
11 California, federal laws as we knew it, and the banks have  
12 never returned any of these bonds. As a matter of fact, we  
13 went to -- we went to court twice to enforce the bonds in  
14 federal court and once in state court, and in each instance,  
15 the judges said, Well, there's nothing criminal about what you  
16 did. There's nothing criminal here. The bonds might be -- and  
17 this was, again, one comment where the judge said, Well, this  
18 looks like a useless piece of paper, and we said, Well, it is  
19 to you and I, but I use the analogy again of the Joe DiMaggio  
20 rookie-year baseball card that to anybody else -- my mother,  
21 she'd throw that card in the trash but to anybody else who knew  
22 the value that, it would be worth millions of dollars. So it  
23 had to be worth what the value of what paperwork actually was.

24 In every single case, not even the mighty Department  
25 of Justice or Makarewicz or Hughes here managed to actually

1 come up with an original bond. I think one that was sent to  
2 Contra Costa County because not even they could get the bonds  
3 back from the banks, which leaves us the with possibility that  
4 the banks would actually monetize the bonds, and if they  
5 couldn't produce the actual evidence in court at trial, sir,  
6 the how do we even know that it was submitted to -- to -- they  
7 claim it was submitted to the Department of Treasury; they  
8 claim it had something to do with conspiracy to defraud.  
9 Again, they couldn't even present the original documents. I  
10 sat here and objected over and over and over again when they  
11 just put copies of things they found in what I consider to be  
12 illegal search and seizure of our home.

13 So doing everything that I thought was  
14 constitutionally right, I -- and, again, I do not understand --  
15 in any way, shape or form, I don't understand the charges. I  
16 withdrew the plea because the letter from the IRS says, again,  
17 that you did nothing wrong; it was an erroneous refund. It  
18 appears our only crime was -- my only crime was when I got a  
19 return, we spent it investing in a film production company, and  
20 I guess the IRS was mad that they couldn't get the money back,  
21 but even that, the statute of limitations on crimes for that is  
22 three years and five years, and we didn't even hear from these  
23 guys until almost seven years later.

24 So I don't understand the nature the crime; I  
25 withdrew my plea because I don't know what I'm pleading to, and

1 I don't understand -- I don't understand. I don't understand  
2 the nature of the offense; I don't understand what I did; I  
3 have a Sixth Amendment right to face my accuser. I said over  
4 and over again, Put the United States on the stand; put the IRS  
5 on the stand; put anybody that we've actually directly harmed.  
6 And even the one witness they came up with claimed that she was  
7 contacting us under an alias; so she never even had direct  
8 contact with us, and for all we know, she was -- she was  
9 possibly lying, but maybe it was her husband or somebody else  
10 that we were -- that we were actually corresponding with  
11 because she was doing it under an assumed name.

12 So in every single one of these cases -- and, once  
13 again, when we found the banks were just ignoring everything,  
14 we told people, Look, this stuff is not working, and we don't  
15 know what to do. So I don't understand how this court in an  
16 administrative hearing -- as I said, you were saying it's a  
17 court of record, and you're putting it on the record because  
18 common law courts or courts of record, and you claim this is a  
19 federal court record. And, again, as far as persona  
20 jurisdiction goes, again, I'm a living man; I'm not a  
21 corporation; I'm not -- I'm not a franchise. I do not come  
22 under the 14th Amendment, and my understanding of that -- and,  
23 look, I've studied this over and over and over again because,  
24 again, my forefather was one of the very authors of a lot of  
25 the documents, the Articles of Confederation; but I've done

1 everything I could do to remove myself of the jurisdiction, of  
2 being a, quote, United States citizen of -- the Wong Van Ark  
3 Supreme Court cases, the slaughterhouse cases around the turn  
4 of the century, were the key cases when you had Chinese  
5 immigrants who came to this country, and they came to work at  
6 the railroad, and they had thousands of children that were born  
7 here on U.S. soil but did not have citizenship, and so  
8 slaughterhouse cases -- and the Wong Van Ark case was the  
9 Supreme Court at the turn of the century saying, Okay, you have  
10 a choice to either be a U.S. citizen enfranchised by the United  
11 States under the 14th Amendment, or you have a chance to be a  
12 state citizen, which is what I've chose to be, and state  
13 citizens, which means -- which means that this court is federal  
14 territory; this court is the District of Columbia; this court  
15 is -- actually, the state of California is foreign nondomestic  
16 to a federal court, and, therefore, once again, I challenge the  
17 persona jurisdiction of this. I do not understand really what  
18 is going on here as far as -- as far as the charges -- charges  
19 of all this go, and it's been a complete mystery to me through  
20 most of this, and, of course, you're also denying my motion to  
21 have what I consider an unbiased court do a judicial review.

22 And, again, my ex parte motion, vacate the void  
23 proceedings is on file with the court. Did you receive that?

24 THE COURT: Yes.

25 DEFENDANT SEAN DAVID MORTON: And you just denied it?

1 THE COURT: Yes.

2 DEFENDANT SEAN DAVID MORTON: Okay.

3 All right. I've -- all I can say is I've done  
4 everything to lead an exemplary life. You know, I have no  
5 criminal record. I have no -- never done anything wrong, you  
6 know, as far as I know, other than traffic offenses. I've  
7 never broken the law, and I didn't think I was breaking the law  
8 here, which means, again, I have -- I also have a notice of  
9 nonculpability under the direct guidelines of the Ninth Circuit  
10 court that, you know, I had no culpability when I was doing  
11 this. Everything -- I thought I checked every law; I checked  
12 everything I thought was legal in regards to the -- in regards  
13 to the 2008 tax return. It was done with -- it was done with a  
14 CPA; it was submitted under all the laws, rules, as we  
15 understood them, 1099A, 1099 OID, all the laws and rules of the  
16 Internal Revenue Service. In fact, the original return was, I  
17 think, \$880,000 of which we actually put an exemption into the  
18 government, and what they don't point out here is the  
19 government kept almost 400 and -- 48 percent of the return.  
20 The government -- the IRS kept 400 and -- almost \$470,000 of  
21 the return paid to them. Later IRS Agent Ted Hanson, also  
22 known as Ted Lepkojus, confiscated \$57,000 from a film  
23 production company that had nothing to do with me called The  
24 Real Magic Productions. Also stole \$7,000 from my wife's bank  
25 account for which the IRS later apologized and then said, Well,

1 we're not going to pay you back because now you have a  
2 frivolous filing fine against you for \$10,000.

3 We've even tried to bankrupt out of the onerous  
4 pressure of the Internal Revenue Service and, you know, failed;  
5 they fought us tooth and nail on that, and we did not even get  
6 a bankruptcy. So this whole thing has been us like a rag doll,  
7 if you will, in the tenacious teeth of the supposed federal  
8 agencies.

9 And, again, I'm not sure you can get anybody to get  
10 up on the stand and actually testify that the Internal Revenue  
11 Service is really an agency of the federal government. You  
12 actually look at the Supreme Court decision of *StealCove versus*  
13 *Diversified Metal*. That Supreme Court decision said very  
14 specifically that the Internal Revenue Service is a private  
15 organization.

16 With that said, Your Honor, I -- again, I moved --  
17 put a number of motions into the court. Again, I would like an  
18 expedited motion of habeas corpus to show that there's, you  
19 know, someone that's been harmed here, you know, by what we've  
20 done; and, B, you know, to face the kind of consequences that  
21 we're facing and face for this -- for paper that we begged  
22 people to send back that we -- that we -- that never harmed or  
23 damaged anybody, with coupons which -- and I have to bring this  
24 up again -- in our original March 2016 conversation -- which,  
25 by the way, the transcripts of that seem to have simply

1 disappeared from the public record -- you, Judge Wilson, made  
2 some interesting statements. When Valerie Makarewicz got up  
3 and talked about the coupon for setoff, settlement, and  
4 discharge, you said, It sounds like a prank, and, again, this  
5 was in the -- it disappeared from the court transcripts; we  
6 can't find it anywhere. And then when she said, Well, he's  
7 written us copious amounts of letters, you said, Well, he has  
8 the right to write the letters. Did you respond to any of  
9 them? And Ms. -- sorry -- Mrs. Cambian was -- well, she was  
10 understandably silent on the issue because in every part of the  
11 way, we responded to every single thing -- I'm sorry -- I can't  
12 say "we." I'm not going to speak for my wife; she has a  
13 defense attorney here -- but in every possible discourse, I  
14 responded, and every time they sent me a letter I responded and  
15 said, Okay, fine. Let's deal with this. Let's settle it. In  
16 every possible way I responded for what happened, and when you  
17 get a tax return, and you spend the tax return, and six months  
18 later a government agency says, No, our mistake. We want it  
19 all back, how is that on me as a crime?

20           So that's where my -- that's where my not  
21 understanding this comes in. That's where my -- you know,  
22 again, I do not wish intercourse with this court or having  
23 intercourse forced upon me. In the same time, since you're --  
24 you know, you've ignored all my motions, and, again, can I at  
25 least get the minutes changed? As I said, I put in rescissions

1 of all the various contracts for this.

2           So -- all I'm -- all I basically can do is try to  
3 tell you that all I've -- I've never, ever in my life tried to  
4 hurt anybody, I've never, ever in my life. All I've tried to  
5 do is be a benefit to people. Has that worked out? Maybe not,  
6 but I've always tried to do good. I -- you know, my spiritual  
7 background from my Christian studies from traveling the Middle  
8 East, from living in a monastery in Nepal, from actually living  
9 in a compound with the Dalai Lama, there's been nothing in my  
10 life that shows that I've tried to hurt or harm people. I'm a  
11 public speaker, and I try to lift people. I've worked with  
12 Better L.A., Pete Carroll, counseling kids -- high-risk kids in  
13 the Crips and Bloods and Hoover family, and we dropped the  
14 murder rate to 66 a year to zero in the Adams district by USC.  
15 And if any part of this could be -- if any part of this comes  
16 down as community service of some kind, then, you know, my --  
17 using my Ph.D in therapeutic counseling to help heroin  
18 addicts -- you know, even in the 30 days that I spent custody  
19 in San Bernardino, all I've been doing there is counseling  
20 young men who are coming off heroin; people who are -- domestic  
21 violence; people who are there for DUIs; and we've started a  
22 prayer group there where, you know, I've started counseling to  
23 them to try to get them back on their feet, to try to show them  
24 the mistakes and errors of their ways.

25           So I've never been to prison before. You know, I've



1 never rolled up with, you know, groups of violent criminals,  
2 drug dealers and heroin addicts and all that, yet, you know,  
3 now we're facing -- I'm facing an implacable system that,  
4 again, has been implacable all the way through; that has  
5 completely denied reason; that it seems to have completely  
6 ignored the Constitution; that it's denied -- well, my Fourth  
7 Amendment rights with what I feel is an illegal -- illegal  
8 warrant, an illegal arrest; my Fifth Amendment rights to  
9 actually speak and present my defense in this court when I was  
10 told to basically shut up and sit down or I would face the most  
11 dire consequences, which obviously I'm facing now; the Sixth  
12 Amendment to constantly over and over again face my accuser and  
13 face who it is we've actually harmed. So every single one of  
14 those rights are being -- are being violated as we sit here.

15           And now my poor wife is being dragged through this.  
16 She had nothing to do with any of this stuff. She was a -- she  
17 was a dutiful wife. She -- I don't know if I can speak on her  
18 behalf -- but she is a dutiful wife. She's from Mormon stock.  
19 She -- you know, all she ever did was what I ever asked her to  
20 do, which I felt was completely within her realm as a public  
21 notary. She did everything lawfully and legally by simply  
22 notarizing documents and mailing things out, and I'm sure  
23 they'll bring up the fact that she never got a return from the  
24 IRS; the IRS actually voided out everything that they said that  
25 she owed because she actually fixed it, and a lot of this was

1 because of Steven Brody. You know, Steven Brody was stopping  
2 me from presenting evidence; Steven Brody was stopping me from  
3 bringing in witnesses on our behalf, coming up with this  
4 bizarre defense, that is, like, Well, you just have to say that  
5 other people told you to do it. Yeah, we took advice -- we  
6 took advice of other people when this came through, but  
7 ineffective counsel I know doesn't probably apply to me acting  
8 as my own attorney, but at the same time, you know, I would  
9 also move for a new trial based on that, you know, as well  
10 because it's a -- I think -- he was a lawyer; he went to  
11 Stanford. You know, he kept telling me, You can't do this; you  
12 can't do that, can't do the other thing, and it completely  
13 stopped me from presenting what my defense would have been at  
14 that time.

15           So -- all right. In begging for my life,  
16 Judge Wilson, as I said I -- my admiration for Ronald Reagan  
17 throughout the years was all about his belief in limited  
18 government, personal responsibility, with God's help a better  
19 world, which is the motto for his campaign, and it changed me  
20 as a person to -- once again, to work for that, and all I've  
21 ever done is try to teach the Constitution and all I've ever  
22 done is try to teach people about their own constitutional  
23 rights and the difference between the sovereign states and the  
24 people of the sovereign states, which I am one. Again, I'm a  
25 living man. I'm not a corporate construct; I'm not a 14th

1 Amendment franchisee. I filed every piece of paperwork that I  
2 could do to not be that.

3 And, again, this court is -- well, foreign --  
4 California is foreign not domestic, federal jurisdiction of  
5 this court; therefor, as a living man, as one of the people of  
6 California, our constitutional says that the people of  
7 California shall be sovereign forever and that all men have  
8 inalienable rights, not persons, and I just read to you the UCC  
9 Code that said that somebody had to be harmed or damaged here  
10 so ...

11 I was told I'd be able to ask questions and, you  
12 know, and obviously I'm not able to; you're not allowing me to  
13 ask questions of the prosecution or of anybody else. I was  
14 told I was allowed to make motions, and you're just denying  
15 them all out of hand. So -- and I'm sure you have some -- I  
16 hope you don't have some dire fate or consequences in store for  
17 me considering taking in the scope and breadth and width of my  
18 life that has to do with speaking to the public, with telling  
19 the truth, with trying to be an exemplary person. I'm trying  
20 to help those -- I'm trying to help those in need, and one of  
21 the prayers that we started in the tank that I'm -- I'm in the  
22 tank for the last 28 or 30 days -- I'm in C Tank, which we call  
23 "Christian Tank," and we came up with a thing that says, "If  
24 you walk with God, he'll walk with you; and if you talk with  
25 God, he'll talk with you; if you love God, he'll see you

1 through; and that prayers go and blessings and miracles come  
2 down.

3           So, again, Your Honor, I'm asking for a blessing and  
4 a miracle today. I'm asking for those not just for myself but  
5 for my wife, as well. You know, we got involved in something  
6 which, again, we thought was absolutely true. I still maintain  
7 that we had no culpability; we had no criminal state of mind in  
8 any of this, and everything that we were doing we thought was  
9 absolutely by the book, by the law, novations in the court,  
10 Uniform Commercial Code, the U.S. Constitution, the IRS code.  
11 We worked under CPAs that presented us with this -- and by the  
12 way, we were -- we were -- I was just one of over 400 -- I  
13 think the prosecution was at 429 different people that filed  
14 these the exact same process with Brandon Adams and his father,  
15 Alexander Adams. And may I point out, by the way, the two CPAs  
16 in L.A. County of Alexander Adams and Jacqueline Coehlo, who  
17 had gotten -- who had actually filed the 1099 OID process for  
18 her clients, the IRS actually went after them and simply  
19 requested an injunction that they stop filing their paperwork  
20 to actually help people get returns in both of those cases.

21           So, once again, I point out that I have a letter from  
22 the Internal Revenue Service that says no one at the IRS has a  
23 claim against me. It's a Freedom of Information Act letter, a  
24 letter that comes directly from their office, and the return  
25 for 2008, and delivered in 2009, was a computer error. It was

1 their fault. And, once again, an erroneous -- point out again,  
2 an erroneous refund is not a criminal, number one. Number two,  
3 coupons presented -- coupon, not checks, mind you, as the  
4 prosecution kept saying -- but coupons for setoff, settlement,  
5 and discharge were perfectly -- perfectly appropriate to set  
6 off public exactions when there is no gold and silver under  
7 Article 1, Section 10, no public exaction can be paid, under  
8 Article 1, Section 10, of the U.S. and California Constitution  
9 without gold or silver being in process.

10 And in regards to the nonnegotiable monetary  
11 instruments, we weren't even going to profit from them. I  
12 mean, if they worked and if they paid off a mortgage or a  
13 credit card debt or whatever, it would have gone for the people  
14 that were submitting the paperwork themselves, not us. You'll  
15 notice they were not indicted as co-conspirators in any of  
16 this, but, you know, the point was is that it wasn't even --  
17 you know, we accepted a fairly -- fairly small amount to do  
18 paperwork; it was very copious to present documents we begged  
19 to get back in which we said in every single case, If the banks  
20 or anybody that we sent these documents to simply send them  
21 back a self-addressed stamped envelope that was provided for  
22 them to mail it back to us that we -- we would give back any  
23 donation that was provided to us, and that never happened. Not  
24 a single bank, not a single credit card agency actually  
25 returned the instruments and not even the DOJ could find them,

1 which leaves the mystery: What happened to them? Where did  
2 they go, and were they actually monetized by the banks at that  
3 time?

4 So with that said, prayers go up, blessings and  
5 miracles go down. I hope you take into account the totality of  
6 my life in fighting for freedom and for the Constitution; and  
7 I'm just wondering what Ronald Reagan would have told me when  
8 he got to be president, what advice he would have given me from  
9 there. Probably -- I don't know what he would say.

10 I'm broken down in this, the horrors of -- my wife is  
11 here with me, and she deserves none of this, and she's done  
12 nothing but love me and obey me and, you know, be there -- a  
13 perfect life and a perfect companion, and no one could ask for  
14 anybody better to have by their side and -- okay.

15 Once again, you know, I am a living man; I am not a  
16 person; I am not the all-capital letter name in the indictment,  
17 and I would very much -- I do not wish intercourse with this  
18 court or any of its officers, and I'd very much like to go home  
19 now. Thank you.

20 THE COURT: Thank you, Mr. Morton.

21 I have some questions for the government. Who speaks  
22 for the government?

23 MS. MAKAREWICZ: I do, Your Honor.

24 THE COURT: First, with regard to the guideline  
25 calculation in your memorandum after the presentence report was

1 filed, you mentioned that you omitted to include in the  
2 information you gave to the probation department the relevant  
3 information about two of the counts involving 28 United States  
4 Code, Section 514, correct?

5 MS. MAKAREWICZ: No. It had to do with the  
6 omitted -- I'm sorry. You're correct, Your Honor. It is with  
7 respect to the 514, yes.

8 THE COURT: And so the modification or amendment is  
9 that the base level offense that the presentence report  
10 determined was a level six because it -- the presentence report  
11 didn't have the information about the 514 count, correct? And  
12 if it had that information, the base offense level should have  
13 been a seven; is that the argument?

14 MS. MAKAREWICZ: Yes, Your Honor.

15 THE COURT: And then the loss amount, regardless of  
16 whether the base offense level was a six or a seven, it is the  
17 same in both calculations, correct?

18 MS. MAKAREWICZ: Yes.

19 THE COURT: And that was 18, plus 18?

20 MS. MAKAREWICZ: Yes.

21 THE COURT: And then in terms of the loss amount, you  
22 mentioned that with regard to the phase of the scheme that  
23 involved the use of the bonds for commercial purposes, not with  
24 the IRS, that the intended loss should have been the debt that  
25 the victims had, not the face amount of the bonds, correct?

1 MS. MAKAREWICZ: Yes.

2 THE COURT: Irrespective of that position, would the  
3 loss calculation change either way? In other words, would it  
4 be different in terms of the plus 18 regarding whether the  
5 intended loss was the face amount of the bond or the overall  
6 debt that the debtor had?

7 MS. MAKAREWICZ: I think it would be much more, Your  
8 Honor, that --

9 THE COURT: But the 18 does not include the intended  
10 loss of the debt -- the overall debt of the debtor.

11 MS. MAKAREWICZ: Yes.

12 THE COURT: It does not?

13 MS. MAKAREWICZ: I thought it did, Your Honor.

14 THE COURT: Well, then the question is this: In that  
15 phase of the case -- these are the two matters I need to be  
16 addressed -- there is the face amount of the bonds; then there  
17 is the overall debt that the victim debtor had.

18 MS. MAKAREWICZ: Yes.

19 THE COURT: Your argument is that the overall debt  
20 that the debtor had should be the intended loss rather than the  
21 face amount of the bond?

22 MS. MAKAREWICZ: Yes.

23 THE COURT: Which of those two was used in the  
24 calculation?

25 MS. MAKAREWICZ: The actual amount of debt, not the



1 face value.

2 THE COURT: And if the face value of the bond had  
3 been used, would the the amount of the loss, that is, the plus  
4 18, be effective?

5 MS. MAKAREWICZ: Yes.

6 THE COURT: And now in the tax scheme, that is, the  
7 OID scheme, the loss calculation is also a plus 18, correct?

8 MS. MAKAREWICZ: Yes.

9 THE COURT: And so how is it that on the nontax  
10 scheme -- the "commercial scheme" I'll refer to it -- that loss  
11 is 18 also, isn't it?

12 MS. MAKAREWICZ: Yes.

13 THE COURT: So it really doesn't matter whether the  
14 face amount of the bonds was used as the intended losses or the  
15 overall debt of the debtor in terms of the calculation to get a  
16 plus 18 for the loss amount, correct?

17 MS. MAKAREWICZ: Yes.

18 THE COURT: I am correct?

19 MS. MAKAREWICZ: Yes, Your Honor.

20 THE COURT: Well, I am not including as a loss  
21 calculation the overall debt of the debtor. I think the fairer  
22 calculation is the face amount of the bond.

23 DEFENDANT SEAN DAVID MORTON: May I object, Your  
24 Honor, because, again, we're talking about imaginary things  
25 here. We're talking about supposedly that the bonds were --

1 THE COURT: I'll give you a chance. Make a note of  
2 what you object to, Mr. Morton, and I'll give you a full  
3 opportunity to respond.

4 Now, you start with a base offense level of seven and  
5 then you add to that the loss calculation, 18; so that gets you  
6 to 25, correct?

7 MS. MAKAREWICZ: Yes.

8 THE COURT: And then because there were two parallel  
9 schemes, and under the guidelines they weren't utilized  
10 consecutively, that the greater was used, but the guidelines  
11 allow a plus two for not double counting the schemes, correct?

12 MS. MAKAREWICZ: Yes, Your Honor.

13 THE COURT: So that gets you to 27, correct?

14 MS. MAKAREWICZ: Yes.

15 THE COURT: And you have an enhancement for  
16 obstruction.

17 MS. MAKAREWICZ: Yes.

18 THE COURT: And that would be two.

19 MS. MAKAREWICZ: Yes.

20 THE COURT: And so the total offense level you offer  
21 it is 29.

22 MS. MAKAREWICZ: Thirty.

23 THE COURT: How did you get to 30?

24 MS. MAKAREWICZ: We used the 25 for the bond counts;  
25 we used the base offense level for the OID scheme as 26 under

1 the --

2 THE COURT: You're -- start from the root. You start  
3 with the offense level, and the base offense level is seven,  
4 correct?

5 MS. MAKAREWICZ: Yes, except we used the tax tables  
6 to calculate the OID scheme, and we used the 287 -- the 2B  
7 table to calculate the 514 offenses.

8 THE COURT: Okay, but let's just start with the base  
9 offense level seven, correct?

10 MS. MAKAREWICZ: On the 514, yes, Your Honor.

11 THE COURT: But that's the offense level because  
12 that's greater than the sixth under the tax offense level,  
13 correct?

14 MS. MAKAREWICZ: Yes, yes, it is, Your Honor.

15 THE COURT: Okay.

16 So then starting with the seven, I thought you said a  
17 moment ago that the loss calculation for the OID/tax scheme and  
18 the loss calculation for the commercial scheme was 18 for both;  
19 is that right?

20 MS. MAKAREWICZ: No. The 18 is for the 514 counts,  
21 but for the 287 counts, it's 26, total 26.

22 THE COURT: So then you're saying add 26 onto seven?

23 MS. MAKAREWICZ: No. Twenty-six as a base offense  
24 level.

25 THE COURT: So for the -- you're saying, then, for

1 the tax counts --

2 MS. MAKAREWICZ: Yes.

3 THE COURT: -- the base offense level is 26.

4 MS. MAKAREWICZ: Yes, it is, Your Honor.

5 THE COURT: And there's no additional calculation for  
6 loss.

7 MS. MAKAREWICZ: No. That's it. It's the base  
8 offense level under 2T4.1 is more than \$9.5 million, which is a  
9 level 26.

10 THE COURT: And that's the tax.

11 MS. MAKAREWICZ: Yes, sir.

12 THE COURT: And so added to the 26, would be the two  
13 points for the fact that the two schemes were not double  
14 counted. That makes 28.

15 MS. MAKAREWICZ: Yes.

16 THE COURT: And then the two points for the  
17 obstruction. That's how you get to 30?

18 MS. MAKAREWICZ: Yes, sir.

19 THE COURT: And otherwise it would have been 29.

20 MS. MAKAREWICZ: Yes, sir.

21 THE COURT: In other words, if the base level offense  
22 had been seven, with the 18-points added on for loss  
23 calculation and the other adjustments, total would have been  
24 29, right?

25 MS. MAKAREWICZ: Yes, sir. Yes, Your Honor.

1 THE COURT: With a criminal history of one and a  
2 offense level of 30, what is the guideline range?

3 MS. MAKAREWICZ: Ninety-seven to 121.

4 THE COURT: And with the criminal history of one and  
5 the base offense level of 29, what is the guideline?

6 MS. MAKAREWICZ: Eighty-seven to 108.

7 THE COURT: Okay. Now, I just have a few questions,  
8 and, Mr. Morton, you're going to have a chance to respond; so  
9 just make a note of what I ask that you think is appropriate  
10 for a response.

11 DEFENDANT SEAN DAVID MORTON: I don't understand a  
12 thing that's going on here, Your Honor.

13 THE COURT: Well, then, I can't help you in that  
14 regard; I'm just trying to help you organize your thoughts.

15 So now with regard to Hall and Adams, they were  
16 sentenced by other courts in 2015.

17 MS. MAKAREWICZ: Yes.

18 THE COURT: And Hall -- I get them mixed up -- but I  
19 think Hall was sentenced to ten years.

20 MS. MAKAREWICZ: Ninety-six months.

21 THE COURT: And Adams to 40 months.

22 MS. MAKAREWICZ: He pled, yes.

23 THE COURT: Yeah.

24 And in terms of Adams and Hall, I remember at the  
25 trial looking at some of the videos.

1           Who was the originator of the OID scheme? Was it  
2           Adams or Hall, or is there -- were they co-originators?

3           MS. MAKAREWICZ: They both did it together. The  
4           person that you saw in the video, though, was Brandon Adams.

5           THE COURT: And he's the one that got the 40 months?

6           MS. MAKAREWICZ: He pled.

7           THE COURT: Yes.

8           And Hall was not in the video.

9           MS. MAKAREWICZ: I don't believe so.

10          THE COURT: I thought I did see Hall, but -- okay.

11          In any event, when did the criminal investigation --  
12          I remember at the trial there was some evidence as to when the  
13          criminal investigations of Adams and Hall began. What year did  
14          they begin?

15          MS. MAKAREWICZ: One moment, Your Honor.

16          2013.

17          THE COURT: And what actions of defendant Sean Morton  
18          followed after that date?

19          MS. MAKAREWICZ: Well, it was the entirety of the  
20          bond scheme, Your Honor.

21          THE COURT: Entirety of the bond scheme commercial  
22          side.

23          MS. MAKAREWICZ: Yes.

24          THE COURT: But did Hall and Adams -- their teaching  
25          was limited to tax or other things?

1 MS. MAKAREWICZ: As far as we know, the tax and the  
2 bond schemes.

3 THE COURT: When you say "bond schemes," do you mean  
4 use of the bonds to pay IRS debts or use of the bonds to pay  
5 debts other than IRS debts: The credit cards, mortgages, and  
6 so forth?

7 MS. MAKAREWICZ: Correct.

8 THE COURT: Correct what?

9 MS. MAKAREWICZ: The latter, Your Honor.

10 THE COURT: In other words, Hall and Adams advocated  
11 using the bonds for those purposes, too.

12 MS. MAKAREWICZ: Yes.

13 THE COURT: Following 2013, the evidence to trial  
14 that was Morton used a bond scheme for the commercial purposes.

15 MS. MAKAREWICZ: Yes.

16 THE COURT: And during the trial, the IRS sent Morton  
17 any number of letters saying that his claims were frivolous,  
18 Sean correct?

19 MS. MAKAREWICZ: Yes.

20 THE COURT: With regard to -- Mr. Morton, can I ask  
21 you this question: Do you have any guess as to how many  
22 followers you had on your podcast? Is there any way to  
23 determine?

24 DEFENDANT SEAN DAVID MORTON: No. Is that  
25 information going to be used against me if I tell you?

1 THE COURT: It might.

2 DEFENDANT SEAN DAVID MORTON: It might be used  
3 against me?

4 THE COURT: Yes, yeah.

5 You don't have to answer.

6 DEFENDANT SEAN DAVID MORTON: It's an Internet radio  
7 show; we have no real way of knowing.

8 THE COURT: Do you have any information in that  
9 regard?

10 MS. MAKAREWICZ: We do, Your Honor. Twofold: One,  
11 Mr. Morton himself has stated that it's the number one radio  
12 show on the Internet and two, we --

13 THE COURT: What does that mean? I don't know what  
14 that means.

15 MS. MAKAREWICZ: That he has a large following  
16 himself.

17 THE COURT: When did he say that?

18 MS. MAKAREWICZ: Oh, in any number of his colloquies  
19 before this court. I recall many times where the defendant has  
20 stated that he is --

21 THE COURT: I seem to recall that too.

22 What about this YouTube that he made and when he  
23 didn't show up for sentencing?

24 MS. MAKAREWICZ: Yes.

25 THE COURT: Are there other YouTubes that he made?



1 MS. MAKAREWICZ: In the interim, not as far as the  
2 government is concerned, no. As far as the government knows,  
3 the only YouTube broadcast was -- between the time of  
4 sentencing and today was that one time.

5 THE COURT: So other than the fact that Morton has  
6 said he had a large following on his podcast --

7 DEFENDANT SEAN DAVID MORTON: Objection to that  
8 because I didn't make the YouTube; I didn't post the YouTube.  
9 I did an interview with a woman, but I didn't post it; I didn't  
10 put it up; it was all her.

11 THE COURT: I see.

12 MS. MAKAREWICZ: We have bank records --

13 THE COURT: Okay. But just let me ask you this:  
14 This podcast, or Internet radio show, did those types of shows  
15 have any sponsors?

16 MS. MAKAREWICZ: No.

17 THE COURT: Is there any income generated from those  
18 shows?

19 MS. MAKAREWICZ: Perhaps it would go to the person  
20 who conducted the interview with Mr. Morton, as far as I know.

21 THE COURT: But you don't have any more information  
22 about the radio show.

23 MS. MAKAREWICZ: We saw how many people were watching  
24 it while Mr. Morton was on.

25 THE COURT: How many?

1 DEFENDANT SEAN DAVID MORTON: Hundreds.

2 THE COURT: How did you observe that?

3 MS. MAKAREWICZ: I watched it myself, and you can see  
4 as you're watching how many -- the YouTube counts, how many  
5 viewers are watching the program, and I saw for myself how many  
6 people were currently watching this program with myself.

7 THE COURT: That was just one day?

8 MS. MAKAREWICZ: Yes.

9 THE COURT: You say there were hundreds.

10 MS. MAKAREWICZ: Yes, Your Honor. We also have bank  
11 records which we could provide, but it shows that the same  
12 amount of people also pay a monthly subscription to the Morgans  
13 to view their podcasts before Mr. Morton -- during his regular  
14 programming before and after the trial.

15 THE COURT: Then what can be gleaned from those  
16 records?

17 MS. MAKAREWICZ: In addition -- I don't have an exact  
18 number -- but I know also hundreds of people pay him and his  
19 wife \$4.95 a month to get access to his Internet radio show.

20 THE COURT: Okay.

21 Just one moment.

22 Yes, there was one count as I was reviewing the  
23 presentence report that I couldn't clearly recall. It was  
24 something in your memorandum about a count dealing with the  
25 State Franchise Tax Board.

1 How did that become a count in this case?

2 MS. MAKAREWICZ: We presented the bond. If the court  
3 might recall, I have the original bond delivered to us by the  
4 Franchise Tax Board, and we presented that. Mr. Morton also  
5 failed to pay his California state tax which stemmed from the  
6 false returns that he filed with the IRS, and the state was  
7 trying to recoup money from Mr. Morton, and he and Mrs. Morton  
8 submitted the bond, which we have the in original form, and we  
9 presented on cross-examination that bond to Mr. Morton, and he  
10 verified that it was indeed his signature and he had submitted  
11 it to the Franchise Tax Board.

12 THE COURT: But how does this court have criminal  
13 jurisdiction over a claim to the state Franchise Tax Board?

14 MS. MAKAREWICZ: It's with respect to submitting a  
15 false bond not to the 287 counts, it's just like him submitting  
16 a bond to the Contra Costa tax authorities.

17 THE COURT: You're saying that was part of the scheme  
18 to defraud creditors of the --

19 MS. MAKAREWICZ: Yes.

20 THE COURT: -- victims in the bond scheme?

21 MS. MAKAREWICZ: Correct.

22 THE COURT: So the Franchise Tax Board was not  
23 charged in a tax sense but as just a victim of a scheme.

24 MS. MAKAREWICZ: Another creditor, yes.

25 DEFENDANT SEAN DAVID MORTON: Again, objection, Your

1 Honor, because in this case, once again, if the tax return from  
2 the IRS was erroneous and a computer error of theirs, then how  
3 can the California Franchise Tax Board, which based their  
4 supposed tax on erroneous refunds generated by a mistake in the  
5 computer according to the Internal Revenue Service, and at the  
6 same time, you know, Ms. Makarewicz keeps talking about how  
7 these were all fraudulently presented. They weren't. There  
8 was full disclosure in every single case where it's like, If  
9 this is unacceptable for any reason, please return it. Under  
10 California Accord and Satisfaction, under Novation and Accord,  
11 under Uniform Commercial Code Rules, and in the case of the  
12 California Franchise Tax Board, after the monetary instrument  
13 was submitted, not only did nobody return any of these, did  
14 nobody object, did nobody respond to our request for a legal  
15 letter of advise, but in this case, the California Franchise  
16 Tax Board sent back a letter that said, Oh, I'm sorry. It's a  
17 mistake. We've mistakenly assessed you.

18 THE COURT: I understand.

19 DEFENDANT SEAN DAVID MORTON: And then suddenly they  
20 turn around and said, Oh, well, now it's not a mistake. So,  
21 again, what am I supposed to do as a reasonable person when  
22 they say, Okay, this is -- here's this fine or fee with no due  
23 process. We're just going to impose this on you. Then they  
24 turn around and said, No, it's our mistake. We're very sorry.  
25 Please use this letter to take off any liens or whatever else,

1 and them have them turn around and say, Oh, no, we changed our  
2 mind again. It's not a mistake.

3 THE COURT: Ms. Makarewicz, does that count affect  
4 any of the calculations in and of itself?

5 MS. MAKAREWICZ: It would because it would affect the  
6 base offense level. It would drop it two points.

7 If you look at --

8 THE COURT: It seems unusual to me -- I'm not  
9 prepared to say more than that now to charge someone with  
10 making a false statement to a state agency as contrasted to a  
11 false civilian, false document to a commercial entity. How  
12 would you comment? Are you saying they're both just part of  
13 the same scheme?

14 MS. MAKAREWICZ: They are but I just did the math  
15 quickly, Your Honor, in taking the bond that Mr. Morton sent to  
16 the California Franchise Tax Board and subtracted it from our  
17 total and, it would not affect. It would still be the seven  
18 plus 18. So you -- if you wish to --

19 THE COURT: All right. Let me see if I had any other  
20 questions.

21 Mr. Morton, you wish to respond? If you do, you can  
22 take the lectern.

23 DEFENDANT SEAN DAVID MORTON: Once again, Your Honor,  
24 they're talking about damages. They're all imaginary. None of  
25 them have it, and, you know, Oh, there's this amount and that

1 amount. Again, they can't even present the documents other  
2 than the California Franchise Tax Board and the state.

3 THE COURT: Let me ask you this. Answer this  
4 question.

5 DEFENDANT SEAN DAVID MORTON: Yes, sir.

6 THE COURT: When you say "imaginary," when these  
7 bonds were prepared, was it your hope that they would help  
8 these people who were in debt, losing their homes and so forth?

9 MS. MAKAREWICZ: That it would setoff, settle, and  
10 discharge a debt that they -- that was created by their  
11 signature -- I mean, you know, we're in a bankrupt society.  
12 We're not dealing under gold and silver, you know, Article I,  
13 Section 10 of any Constitution. At the same time, their  
14 signature -- if you have any -- and you understand this because  
15 you know how the mortgage system works. When you sign a  
16 mortgage document, that signatures allows to them take it to  
17 the Federal Reserve window; the Federal Reserve then generates  
18 a credit, which is then extended to that person so it's their  
19 signature that creates that money into the existence in the  
20 first place, as it was my understanding; and so, therefore, by  
21 the monetary instrument, we had hoped to help people, setoff,  
22 settle, and discharge, you know, crushing debt. However, with  
23 the caveat that in every single case, these were sent with a  
24 stack of documents that went with it, none of which the  
25 prosecution presented, but a stack of documents that went with

1 it that said, number one, please have your attorneys respond if  
2 there's any problem with this; number two, here's a memorandum  
3 of understanding; number three, here's a self-addressed stamped  
4 envelope that said if you don't like for any reason, please  
5 mail it back book to us. And in no case -- well, in every  
6 single case we got all these excuses as to how, quote, "the  
7 bonds" got lost. We got everything from the dog ate it to the  
8 secretary destroyed to, Oh, we put it in a desk, and it got  
9 thrown out, to one person that said Bank of America said, Oh,  
10 well, we've wiped out this account, but we're going to give you  
11 a new number to pay. So none of them were returned, none of  
12 them. And by the way, there's no connection between what  
13 happened in 2008 with Brandon Adams and what happened, '9, '10,  
14 '11, '13, four years later, which, again, they're trying to  
15 link all this together because the tax stuff is beyond the  
16 statute limitations, which is three years and five years, and  
17 they didn't even come talk to us until six years later -- well,  
18 just under seven years later.

19           So by the way, frivolous is not criminal. Somebody  
20 sending you something that says this is a frivolous return is  
21 not criminal. In every single case when they sent us a  
22 frivolous from, we wrote them a letter back saying, Show us how  
23 it's frivolous, show us how we've done wrong. And, again, in  
24 dealing with these monolithic agencies, nobody wrote us back;  
25 nobody responded; nobody told us what to do.

1           And really at this point, Your Honor, I'm completely  
2 lost here, and I'm beginning to realize that in this  
3 proceeding, because all of my motions are being denied, and I'm  
4 not capable of representing myself, and at this point I'm going  
5 to have to ask -- request -- I put in four calls to different  
6 attorneys, none of whom have showed up today: Jasmin Cader;  
7 James Taylor; John Purdell. Of course, I've been in jail where  
8 I'm having to have other people make calls for me, but I've  
9 asked for representation.

10           THE COURT: One moment.

11           Paul.

12           (Discussion held off the record)

13           DEFENDANT SEAN DAVID MORTON: Again, I now realize  
14 after weighing through all this I'm not capable of representing  
15 myself, and I request either a federal defender -- have  
16 appointed to review so that I can respond to this, because  
17 you've completely lost me. Again, I have no -- I don't  
18 understand any of this, you know. How I'm being imprisoned  
19 with no injured party, with a complete violation of the Sixth  
20 Amendment; violation of the Fourth Amendment rights of  
21 everything they did wrong with the warrant, violation of the  
22 Fifth Amendment; violation of the Sixth Amendment. And I don't  
23 understand. Again, all of this was done with no culpability  
24 whatsoever. With all of my clear understanding of the law, the  
25 Ninth Circuit court has clearly said that culpability has to --



1 has to play into this somehow. So at that this point, I have  
2 to represent -- I have to request counsel because I have no  
3 idea what you guys are talking about, 91s and 109s and how this  
4 comes to that and the other thing, and I think I have a right  
5 to presentation. So if I could have an extension of this in my  
6 case -- and once again, I contacted Jasmin Cader, no response;  
7 James Taylor; no response; John Purdell, no response. I  
8 thought one of them might have showed up today, but they're not  
9 here.

10 THE COURT: Okay.

11 I'm now going to proceed to sentencing.

12 DEFENDANT SEAN DAVID MORTON: Even though I've  
13 requested counsel, sir?

14 THE COURT: Too late, Mr. Morton.

15 DEFENDANT SEAN DAVID MORTON: Too late?

16 THE COURT: I told you at the outset that you were  
17 making among the most foolish decisions you could possibly make  
18 by not having a lawyer, and I don't know --

19 DEFENDANT SEAN DAVID MORTON: I'm requesting it now,  
20 sir.

21 THE COURT: -- how I could have been clearer or more  
22 vigorous in my admonition. You proceeded to be your own lawyer  
23 throughout the trial. You've now argued for an hour and 25  
24 minutes, and now for the first time at sentencing you raise the  
25 thought of perhaps you need a lawyer, and it's just too late.

1 And --

2 DEFENDANT SEAN DAVID MORTON: I'd like to be clear on  
3 the record that I did --

4 THE COURT: You have made it clear.

5 DEFENDANT SEAN DAVID MORTON: This court is denying  
6 me the right to counsel?

7 THE COURT: Yes, I am, at this point.

8 Okay. We'll now proceed to sentence.

9 Pursuant to the Sentencing Reform Act of 1984, it is  
10 the judgment of the court that the defendant, Sean David  
11 Morton, is hereby committed on counts one, two, three, six,  
12 seven, and nine through 32 of the first superseding indictment  
13 to the custody of the Bureau of Prisons to be prisoned for a  
14 term of 72 months. This term consists of 72 months on each of  
15 counts six, seven, and nine through 32, and 60 months on each  
16 of counts one, two, and three of the first superseding  
17 indictment, all to be served concurrently.

18 Upon release from imprisonment, defendant shall be  
19 placed on supervised release for a term of five years. This  
20 term consists of five years on each of counts six, seven and  
21 nine through 32, and three years on each of counts one, two,  
22 and three of the first superseding indictment, all such terms  
23 to run currently under the following terms and conditions:  
24 One, defendant shall comply with the rules and regulations of  
25 the U.S. Probation Office and General Order 05-02; the

1 defendant shall apply all monies received from tax refunds to  
2 the outstanding court-ordered financial obligations. In  
3 addition, he shall apply all monies received from lottery  
4 winnings, inheritances, judgments, and any anticipated or  
5 unexpected financial gains to the court-order financial  
6 obligations; he shall truthfully and timely file and pay taxes  
7 owed for the years of conviction and shall truthfully and  
8 timely file and pay taxes during the period of community  
9 supervision; he shall not engage as whole or partial owner,  
10 employee or otherwise in any business involving the sale of  
11 financial instruments or provide debt relief services without  
12 the approval of the probation officer prior to engaging in such  
13 employment; he shall cooperate in the collection of a DNA  
14 sample; the drug testing condition is suspended; he shall pay a  
15 special assessment of \$2,900, which is due immediately; he  
16 shall pay restitution in the amount of \$480,000 -- \$480,322.55  
17 to the IRS at the location set forth in the presentence report.

18 Restitution shall be due during the period of  
19 imprisonment at a rate of not less than \$25 per quarter  
20 pursuant on the Bureau of Prisons' Inmate Financial  
21 Responsibility Program. If any amount of restitution remains  
22 unpaid after release from custody, monthly payments shall be  
23 made in an amount equivalent to -- well, it's difficult to  
24 assess his financial condition.

25 Is there any information about what his financial

1 condition is?

2 MS. MAKAREWICZ: He didn't submit any to the  
3 probation report.

4 THE COURT: Well, I'll have to order that restitution  
5 be made in an amount that is no less than ten percent of his  
6 monthly earnings as determined by the probation officer.

7 The justification for the sentence is the court has  
8 consulted the guidelines and finds that the defendant is in  
9 criminal history category one, that the offense level is 30, as  
10 previously discussed, or 29. In this case, given the sentence,  
11 it wouldn't make a difference.

12 DEFENDANT SEAN DAVID MORTON: What does any of that  
13 mean, sir?

14 THE COURT: And -- just one moment, Mr. Morton -- the  
15 court has considered the sentencing factors under Section  
16 3553(a) of the of Title 18. First, the history and  
17 characteristics of the defendant. As the defendant has argued,  
18 he doesn't have a criminal history, some traffic violations,  
19 but nothing of significance. In terms of his history, he has  
20 benefited from an education, college graduate, and obviously  
21 came from a family of respect and accomplishment.

22 In terms of the need to impose the sentence, it is  
23 needed to reflect the seriousness of the offense. The tax  
24 system we engage in is a voluntarily tax system, and the  
25 conduct that the defendant has engaged in and has sponsored

1 could cause, and did cause, a serious disruption of that  
2 system. It's needed to promote respect for the law and to  
3 provide just punishment for the offense. It's also needed to  
4 detour others. While the number may be unknown, it is clear  
5 that this defendant has a following, and he is charismatic and  
6 not only could he cause disruption on his own account, but he  
7 has caused others to engage in fraudulent conduct, and the  
8 sentence is needed to deter others from engaging in such  
9 conduct. It's also needed to protect the public from further  
10 crimes of this defendant because based upon what is known to  
11 the court and what he has said, it appears that there's no  
12 contrition, and he remarkably would continue to engage in this  
13 type of conduct or a similar conduct. In the court's  
14 experience, that is that unusual. Even people who are engaged  
15 in serious frauds at least acknowledge the fraud and promise to  
16 make amends. Nothing of that has occurred here.

17 In terms of his culpability, the scheme, while  
18 outrageous, was also calculated, and there were many warning  
19 posts along the way. Given his background and experience, it  
20 was for the jury to determine, based upon all the evidence,  
21 whether it just was some kind of long-term farce or a  
22 calculated scheme to defraud. In my view, there was plenty of  
23 evidence for the jury to conclude the matter, and they did.

24 And in terms of his wanting to help others, that may  
25 be true, but he also charged them \$2500 for preparing

1 absolutely phony documents, and the people he dealt with were  
2 desperate. One witness, Melinda Thompson, was that her name?

3 MS. MAKAREWICZ: Linda Lavender.

4 THE COURT: Linda Lavender, she testified, and she  
5 was a real sad sack, and that was the type of person that he  
6 took advantage of; and in terms of the IRS, while he now claims  
7 that some of these documents were -- could easily be determined  
8 not to be real or imaginary, the IRS in its wisdom accepted one  
9 of them and gave him a \$480,000 tax refund, which he spent  
10 making movies and other things. So that is the least -- the  
11 lowest sentence the court thinks is available to serve the  
12 interest of justice. The guidelines were substantially higher;  
13 the government asked for a hire sentence, but that's the  
14 court's determination.

15 DEFENDANT SEAN DAVID MORTON: Request?

16 THE COURT: Yes. Yes, sir.

17 DEFENDANT SEAN DAVID MORTON: Request a lower based  
18 on community service or counseling of kids or working for  
19 groups like Better L.A. to be able to use my Ph.D in  
20 therapeutic counseling to be able to help others. Is it  
21 possible to now get a reduction of the sentence to include any  
22 kind of community service and counseling so I could be of  
23 benefit to people out there? As I said, I was one of the  
24 people that helped start A Better L.A. with Pete Carroll; I did  
25 some great good in the Hoover-Adams area, gang members, Crips

1 and bloods. Reduced the murder rate there from 66 to zero, in  
2 helping kids and children at risk. So if there is a  
3 possibility of a release or probation based on community  
4 service or trying to use my talent and skills to help people,  
5 again, which is all I've ever wanted do, if that could be taken  
6 under consideration.

7 THE COURT: Well, I have considered that because I  
8 always start with the necessity for jail as a first thought,  
9 and in this case, there just isn't available, although I hope  
10 that you will consider that type of work when you are released.

11 We'll now proceed to Melissa Morton.

12 Are there any remaining counts -- no, was convicted  
13 of all the counts. Okay.

14 MS. MAKAREWICZ: The defendant's right to appeal,  
15 Your Honor.

16 THE COURT: Yes, he has a right to appeal.

17 Okay. Let's turn to Melissa Morton.

18 THE CLERK: Yes, Your Honor.

19 MR. NAVARRO: Your Honor, can we do it from here  
20 since she is in a wheelchair?

21 THE COURT: She can sit there, but I want you to take  
22 the lecturn.

23 He can be here for her sentence

24 THE MARSHALL: Okay.

25 THE COURT: This is the time for sentencing of

1 Melissa Morton.

2 Has the defendant read the presentence report?

3 MR. NAVARRO: She has, Your Honor.

4 THE COURT: And in terms of the guideline  
5 calculation, how does her calculation differ, if at all, from  
6 defendant Sean Morton's? Can the government respond.

7 MS. MAKAREWICZ: With respect to -- there's three  
8 parts. May I take the lectern?

9 THE COURT: Yes. Let's do that first, Mr. Navarro,  
10 and then you ...

11 MS. MAKAREWICZ: Thank you, Your Honor.

12 With respect to the OID schemes, the defendant's base  
13 offense level is 14. With respect -- the defendant was also  
14 convicted of conspiracy to defraud the government. So her  
15 offense level under Section 371 is raised to that of her  
16 co-conspirator. That would raise her offense level to a 26.

17 Regarding the 514 counts, the commercial bonds, Your  
18 Honor, it's the same as defendant Morton, which is a 25.

19 THE COURT: Is her calculation a 28; is that what it  
20 is?

21 MS. MAKAREWICZ: Yes, because we did not obviously --  
22 enhancement.

23 THE COURT: That sentencing range is what again?

24 MS. MAKAREWICZ: Seventy-eight to 97.

25 THE COURT: Okay.



1 Mr. Navarro, if you would.

2 MR. NAVARRO: Yes, Your Honor.

3 THE COURT: And you wrote a thoughtful memorandum,  
4 and you also included letters, all of which I've read, and they  
5 paint a pretty clear picture of your client, at least as I read  
6 the letters.

7 MR. NAVARRO: I agree.

8 THE COURT: And if have you further thoughts and  
9 remarks, I'm prepared to hear them.

10 MR. NAVARRO: Just briefly, Your Honor. I won't go  
11 for an hour and a half; I promise.

12 When you appointed me on April 24th of this year, the  
13 first thing that I did is I spoke to Mr. Brody; I received his  
14 files, but more than anything I wanted to review the trial  
15 transcripts. I was looking to see if there was anything in the  
16 trial transcripts that could be the basis for a motion for a  
17 new trial. There really wasn't. It was -- it was a bizarre  
18 trial, and you sat through it. It was really a bizarre trial.  
19 My client did not testify. She had counsel present, and I  
20 think Mr. Brody did everything he could to protect her.

21 THE COURT: I did, too. I thought, in a difficult  
22 situation, Mr. Brody did an admirable job.

23 MR. NAVARRO: I agree.

24 So that leaves us now with a defendant who's facing  
25 sentencing for really I think -- she's been in love with

1 Mr. Morton for many years, since she -- I firmly believe that  
2 had she not met him, she wouldn't be here. She would have been  
3 in Utah raising a family, but she made choices herself and --

4 THE COURT: That's life. You know, we're the victims  
5 of our choices, bad ones and the beneficiaries of the good  
6 ones.

7 MR. NAVARRO: Correct, Your Honor.

8 And, frankly, to be honest with you, when I -- as I  
9 went through the case, I was going to ask the court for a  
10 noncustodial sentence initially, but then my client did  
11 something that I wasn't surprised: She met up with Mr. Morton  
12 to watch the eclipse, and she knew she should have not have  
13 done that. But when I -- I wasn't surprised because I think  
14 she was going to follow him. That was my sentence. I tried to  
15 counsel her the best that I could. We met in my office  
16 numerous times. She has been in custody at a local jail with a  
17 bunch of other women offenders who are nothing like her, and  
18 that's unfortunately what happened with her, Your Honor.

19 My request to Your Honor is that you impose a  
20 sentence which takes into account not only what happened during  
21 the trial but everything about my client beforehand, and I  
22 think that that's significant. She is someone that was raised  
23 in a very simple home in Utah, raised by good parents who are  
24 still alive --

25 THE COURT: So was Mr. Morton. He had a mother who

1 ran for president of the United States and a father who was the  
2 chief communications officer for TRW.

3 MR. NAVARRO: Even that's -- I'm not surprised, Your  
4 Honor, but Melissa Morton is here before you now, Your Honor,  
5 and what I'm asking Your Honor to do is impose a sentence which  
6 takes into account not only her conduct, the counts of  
7 conviction, but really who she is as a person and who she has  
8 been before all of this mess that she got herself into. I do  
9 believe that you're not going to see her here, you're not going  
10 to see her at any podcasting. There's not going to be any of  
11 that from her.

12 THE COURT: Well, I think that may be true. I'm not  
13 so sure about Mr. Morton, but with regard to her, I hope that  
14 is true.

15 But, of course, I can't ignore the fact that she, you  
16 know, was an active participant, and she moved the money, the  
17 \$480,000 tax refund. She helped prepare the template for those  
18 bonds. I mean, she wasn't just someone who took a piece of  
19 paper from one office to the other, but I do hear what you're  
20 saying.

21 MR. NAVARRO: Your Honor, my understanding is, again,  
22 having reviewed -- I'm doing a Monday morning quarterback  
23 here -- but I know that before the trial, there was a really  
24 favorable offer to my client, which wasn't accepted, which is  
25 shocking to me that she would not have been pushed to accept

1 that misdemeanor offer, which I believe was offered by the  
2 government.

3 MS. MAKAREWICZ: Your Honor, that's settlement  
4 negotiations that we engaged with counsel.

5 MR. NAVARRO: Again, Your Honor, I'm only referencing  
6 what I -- I wasn't there, I wasn't counsel, but, again -- and I  
7 don't want to disparage former counsel, but there was a great  
8 opportunity to resolve this case, and it wasn't done. I'm  
9 inheriting the case as it is. I would simply ask for Your  
10 Honor to take into account who my client has been and who I  
11 think she will be. Once she gets out of jail, you're not going  
12 to see her here on a violation. She's going to be on the  
13 straight and narrow. She has a long history of employment.  
14 She has paid her taxes on her own. She has a lot of support  
15 from family and friends. When she was incarcerated recently,  
16 she was taken from her apartment, and her friends really have  
17 come forward.

18 THE COURT: Well, there are quite a number of nice  
19 letters.

20 MR. NAVARRO: Yes, and they've really come forward in  
21 helping her with her cats, with her apartment, with a number of  
22 serious issues that she's having to deal with; and I don't  
23 think a significant jail sentence is required for her, Your  
24 Honor. She has a number of physical problems that she is going  
25 to have to deal with whether she is in or out of custody, but I

1 think you know enough about her to, I think --

2 THE COURT: I do.

3 MR. NAVARRO: Thank you, Your Honor.

4 THE COURT: Does Ms. Morton wish to address the  
5 court?

6 MR. NAVARRO: If I could have a second, Your Honor.

7 THE COURT: She can do so from the table if she  
8 wishes.

9 DEFENDANT MELISSA MORTON: Hi, Your Honor. I'm  
10 sorry. I'm very nervous, of course.

11 I just want to reiterate what I wrote in my letter is  
12 very heartfelt, and I am taking responsibility for my actions;  
13 they were my decisions. Yes, they were affected by other  
14 individuals, but I am ultimately responsible for myself. And I  
15 do ask for some mercy and some leniency. I do ask for your  
16 forgiveness. I, as horrible as this experience has been, it  
17 has kicked me in the behind and got me back on my correct paths  
18 I need to be on, and I do believe there is a divine path, and I  
19 do believe that i do have a bright future case, and as I  
20 mentioned in my letter, I am very much looking forward to that,  
21 and today is the first day to begin that new future. I don't  
22 look at this as an ending, I do look at this as repentance, a  
23 forgiveness, and a moving forward, and I very much -- I've also  
24 been a lover of laws. I've paid my taxes. I've always had  
25 great jobs. I have excellent skills. I would really love to

1 be able to counsel other woman to get out of potentially very  
2 destructive relationships and environments and have the courage  
3 to do that, which I unfortunately did not do.

4 THE COURT: But how did you get on this path for so  
5 long? In other words, you started this path around 2007; isn't  
6 that right?

7 DEFENDANT MELISSA MORTON: I believe around 2008 when  
8 I started attending expos and just going along with Mr. Morgan.  
9 Again, I'm not going to blame him --

10 THE COURT: But am I correct that along the way, you  
11 had jobs?

12 DEFENDANT MELISSA MORTON: I've always had a job and  
13 usually multiple jobs. I particularly worked two or three jobs  
14 at a time.

15 THE COURT: Mr. Morton didn't.

16 DEFENDANT MELISSA MORTON: That is correct, and I  
17 always filed my taxes, and I actually did file corrections for  
18 the years in question as well.

19 THE COURT: Yes.

20 DEFENDANT MELISSA MORTON: And I've always tried to  
21 do everything that I knew correctly, and this is obviously very  
22 distressing and very upsetting. I've hurt many people. I've  
23 hurt my family. My father is 86; my mother is 81. I have  
24 broken their hearts --

25 THE COURT: You have a disabled sister, too.

1           DEFENDANT MELISSA MORTON: Yes. And, actually, she  
2           had some tests last week which unfortunately did not come back  
3           very well. So she and I need each other. If there's any kind  
4           of mercy or leniency, I really do want to go back to Utah to  
5           help my sister. I know you've read her letter. We've talked  
6           about going to church together and helping each other and being  
7           a support. I can actually stay with my parents and help them  
8           as well. And especially with winter coming up in Utah, there  
9           is a lot of things to do to prepare for that.

10           But I do have amazing friends, a lot of them who  
11           actually came all the way from San Diego to support me today,  
12           to be here, and I'm just so sorry to everybody. I'm sorry I've  
13           broken your hearts. I'm sorry I got away from my path. My  
14           decisions. I will take responsibility for it, and I so sorry.  
15           I cannot eternally enough say how truly sorry I am, and  
16           absolutely this would have never happened had I not met  
17           Mr. Morton, left my home of Utah, which is where I want to go  
18           back. Again, I'm very, very sorry.

19           THE COURT: Let me ask the government to give me  
20           their view. Is it you, Ms. Makarewicz?

21           My impression is that there is some truth to what  
22           Ms. Morton has just said. What she did can't be erased and  
23           there has to be a consequence, but there is truth to what she  
24           said, certainly in the difference between Ms. Morton and  
25           Mr. Morton. In other words, she hasn't said -- he said, but

1 she hasn't said that she was the dutiful wife and just obeyed.  
2 I mean, she is a person of education. She doesn't have a  
3 college, degree but she has gone to college, and she's skilled  
4 in a number of computer applications, and she's had responsible  
5 jobs. It's hard for me to understand how she came into this  
6 given her background, but then again that's not my job. But  
7 she was in this for a number of years. It wasn't just a little  
8 while. There were plenty of red flags along the way. And, I  
9 mean, the only way you can sort of rationalize it, if you can,  
10 is that she came under some sort of svengali-type influence of  
11 Mr. Morton. In other words, he charisma and self-assurance,  
12 which he has an abundance, just overwhelmed her, and she  
13 couldn't think her way out of it. On the other hand, she did  
14 maintain jobs throughout this. That always says a lot to me.  
15 In terms of looking at who is the real hardened criminal and  
16 who isn't, having a job goes a long way. You get up in the  
17 morning and you put on your clothes and you do a day's work.  
18 That says a lot to me about your makeup, and she did benefit,  
19 along with Mr. Morton, from the \$480,000 refund and some of the  
20 other funds.

21           The need for deterrence is not as great with her  
22 because I think the point is made with him. He's the one who's  
23 out there. In terms of being a recidivist, I'm not confident  
24 about him, but I am confident about her.

25           So my intention is to show a rather steep difference



1 between the two. I'm not being soft-hearted about it, I'm just  
2 looking at the objective facts.

3 You don't have to speak to that.

4 MS. MAKAREWICZ: Obviously, to everybody present,  
5 there's a marked difference between the two defendants, but the  
6 the government brought the case against defendant Melissa  
7 Morton for a variety of important reasons: If it wasn't for  
8 her, the scheme -- the schemes would never have been  
9 perpetrated.

10 THE COURT: How so?

11 MS. MAKAREWICZ: She's the one who filed every UCC  
12 statement. Every bond was prepared by her; you saw it at  
13 trial. She communicated with most of the clients; she mailed  
14 every document; she notarized every document. She became a  
15 notary to save on notary fees for this scheme. Mr. Morton may  
16 have reached a far audience in gathering all of the people who  
17 were desperate, but it was her who made it happen.

18 THE COURT: But weren't those roles more or less  
19 those of a functionary? In other words, were they critical?  
20 Could someone else have done them? She did them, and she has  
21 to own up to them, but it doesn't seem as though what you're  
22 describing was something that he could have gotten someone else  
23 to do.

24 MS. MAKAREWICZ: I suppose, but when everyone takes a  
25 look at Mr. Morton's sentence and everyone takes a look at

1 Mrs. Morton's sentence, or sentence to come, the government's  
2 very concerned on perpetuating an idea that if you come along  
3 with a fraudster and only do ministerial work and get convicted  
4 of the same crimes as the fraudster, that you'll be treated  
5 differently. I mean, the government isn't --

6 THE COURT: But you should be treated differently. I  
7 mean, there should be some distinction between someone who is  
8 an architect and someone who isn't. The person who helps the  
9 scheme ought to be punished, but there ought to be a  
10 difference, and if the public doesn't understand that, then the  
11 public is just not very sophisticated. I mean, everyone, I  
12 think, knows that that sentences are always different even in  
13 ordinary fraud schemes.

14 Well, we're not getting anywhere. You have a point  
15 of view, and I certainly respect that, but okay. Thank you,  
16 Ms. Makarewicz.

17 MS. MAKAREWICZ: Thank you, Your Honor.

18 THE COURT: Any legal cause why sentence should not  
19 now be imposed?

20 MR. NAVARRO: None, Your Honor.

21 THE COURT: Pursuant to the Sentencing Reform Act of  
22 1984, it is the judgment of the court that the defendant,  
23 Melissa Morton, is hereby committed on counts one, four, five,  
24 eight, 33 through 56 of the first superseding indictment to the  
25 custody of the Bureau of Prisons for a term of 24 months.

1           This term consists of 24 months on each of counts  
2 Eight and 33 through 56, and 60 months on each of counts one,  
3 four and five of the first superseding indictment, all to be  
4 served concurrently.

5           MR. NAVARRO: Your Honor, I'm sorry. You were  
6 reading the sentence, but you referenced a 60-month prison  
7 term.

8           THE COURT: I said, "24 months."

9           MR. NAVARRO: You just said 60. I want to make sure  
10 the record is correct.

11           THE COURT: I didn't mean to say that. Then I  
12 should -- that should be 24 months.

13           MR. NAVARRO: Thank you, Your Honor.

14           THE COURT: Thank you for correcting me. That was  
15 the recommendation. It's not my sentence.

16           On each of counts one, four and five of the first  
17 superseding indictment, all to be served concurrently. Upon  
18 release from imprisonment, defendant shall be placed on  
19 supervised release for a term of five years. This term  
20 consists of five years on each of counts eight, and 33 through  
21 56, and three years on each of counts one, four and five of the  
22 first superseding indictment. All such terms to run currently  
23 under the following terms and conditions: One, the defendant  
24 comply with the rules and regulations of the U.S. Probation  
25 Office and General Order 05-02; she shall apply all monies

1 received from tax refunds to the outstanding court-ordered  
2 financial obligation. In addition, she shall apply all monies  
3 received from lottery winnings, inheritances, and any  
4 anticipated or unexpected financial gains to the court-ordered  
5 financial obligation. She shall not engage as owner in whole  
6 or in part or as employee in any business involving the selling  
7 of financial instruments or providing services without the  
8 approval of the probation officer. She shall cooperate in the  
9 collection of a DNA sample. She shall pay a special assessment  
10 of \$2800, which is due immediately. She shall make restitution  
11 payments to the IRS at the address in the pretrial sentence  
12 report in the amount of \$480,322.55. Those payments shall be  
13 made after release from custody in an amount of about --  
14 approximately ten percent of her monthly earnings, as directed  
15 by the probation officer.

16 She has a right to appeal the sentence as -- did I  
17 tell Mr. Morton he had a right to appeal the sentence?

18 MR. NAVARRO: Yes, Your Honor.

19 MS. MAKAREWICZ: Yes.

20 THE COURT: She has a right to appeal.

21 The justification for the sentence is -- it is a  
22 substantial deviation from the guidelines, and the court feels  
23 that that deviation is appropriate because the defendant did  
24 have a limited but important role in this scheme. The court  
25 does believe that she has seen the light, and based upon her

1 background, the fact that even during the scheme, she was hard  
2 working, unlike her co-defendant, and regularly employed, that  
3 she will again become a law-abiding person.

4 While a two-year sentence is less than what the  
5 guideline proposed, it is a significant sentence, especially  
6 for someone who has never been incarcerated, and it certainly  
7 is a shock, and I think does reflect the seriousness of the  
8 offense, and it does promote respect for the law. Just how  
9 much of a sentence is needed to promote respect for the law is  
10 debatable. The court certainly has considered the guidelines,  
11 and the sentence that the court imposed for Mr. Morton was much  
12 closer to the guideline range, but in this instance, it appears  
13 to the court that this sentence does reflect the seriousness of  
14 the crime, and it does punish her. I've considered other  
15 sentences available, and, in my view, a jail sentence is  
16 required and in my view this is the least punitive sentence the  
17 court could impose under all the circumstances.

18 That's the sentence.

19 MR. NAVARRO: Thank you, Your Honor.

20 (Proceedings concluded at 1:04 p.m.)

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C E R T I F I C A T E

I hereby certify that pursuant to Section 753,  
Title 18, United States Code, the foregoing is a true and  
correct transcript of the stenographically reported proceedings  
held in the above-entitled matter and that the transcript page  
format is in conformance with the regulations of the Judicial  
Conference of the United States.

Date: December 29, 2017

/s/ \_\_\_\_\_

Deborah K. Gackle  
CSR No. 7106

{PLAINTIFF} V.  
{DEFENDANT}{WITNESS NAME}  
{DATE}

<b>DEFENDANT</b> <b>MELISSA MORTON:</b> [6] 61/8 62/6 62/11 62/15 62/19 62/25 <b>DEFENDANT SEAN</b> <b>DAVID MORTON:</b> [34] 3/10 3/16 3/23 3/25 4/14 4/17 4/21 5/2 5/5 5/8 6/13 13/19 20/24 21/1 33/22 37/10 39/23 40/1 40/5 41/6 41/25 43/24 44/18 45/22 46/4 48/12 49/11 49/14 49/18 50/1 50/4 52/11 54/14 54/16 <b>MR. MORTON:</b> [1] 7/2 <b>MR. NAVARRO:</b> [19] 55/18 56/2 57/1 57/6 57/9 57/22 58/6 59/2 59/20 60/4 60/19 61/2 61/5 66/19 67/4 67/8 67/12 68/17 69/18 <b>MS. MAKAREWICZ:</b> [89] <b>THE CLERK:</b> [2] 3/3 55/17 <b>THE COURT:</b> [141] <b>THE MARSHALL:</b> [1] 55/23 <b>THE REPORTER:</b> [3] 3/21 3/24 7/1	<b>0</b> <b>02 [2]</b> 50/25 67/25 <b>05-02 [2]</b> 50/25 67/25 <b>1</b> <b>10 [7]</b> 11/17 11/18 15/20 15/21 29/7 29/8 46/13 <b>108 [1]</b> 37/6 <b>1099 [2]</b> 21/15 28/17 <b>1099A [1]</b> 21/15 <b>109s [1]</b> 49/3 <b>11:05 A.M [1]</b> 3/2 <b>121 [1]</b> 37/3 <b>13 [1]</b> 16/10 <b>14 [1]</b> 56/13 <b>1400 [1]</b> 2/8 <b>14th [3]</b> 19/22 20/11 26/25 <b>15-611-SVW [2]</b> 1/8 3/5 <b>16 [2]</b> 16/8 16/9 <b>17 [1]</b> 8/13 <b>18 [18]</b> 1/16 3/1 10/21 12/22 31/19 31/19 32/4 32/9 33/4 33/7 33/11 33/16 34/5 35/18 35/20 45/18 52/16 70/4 <b>18-points [1]</b> 36/22 <b>18th [1]</b> 6/20 <b>1933 [1]</b> 15/16 <b>1980 [1]</b> 14/13 <b>1984 [2]</b> 50/9 66/22 <b>1:04 [1]</b> 69/20 <b>2</b> <b>2007 [1]</b> 62/5 <b>2008 [4]</b> 21/13 28/25 47/13 62/7 <b>2009 [2]</b> 15/10 28/25 <b>2013 [2]</b> 38/16 39/13 <b>2015 [1]</b> 37/16 <b>2016 [1]</b> 22/24 <b>2017 [3]</b> 1/16 3/1 70/10 <b>213 [1]</b> 1/25 <b>24 [4]</b> 66/25 67/1 67/8 67/12 <b>24th [1]</b> 57/12 <b>25 [4]</b> 34/6 34/24 49/23 56/18 <b>26 [8]</b> 34/25 35/21 35/21 35/22 36/3 36/9 36/12 56/16 <b>27 [1]</b> 34/13 <b>28 [4]</b> 27/22 31/3 36/14 56/19 <b>287 [3]</b> 35/6 35/21 43/15 <b>29 [6]</b> 34/21 36/19	36/24 37/5 52/10 70/10 <b>2B [1]</b> 35/6 <b>2nd [1]</b> 10/24 <b>2T4.1 [1]</b> 36/8 <b>3</b> <b>30 [7]</b> 16/19 24/18 27/22 34/23 36/17 37/2 52/9 <b>312 [1]</b> 2/9 <b>32 [3]</b> 50/12 50/15 50/21 <b>321 [1]</b> 2/16 <b>33 [3]</b> 66/24 67/2 67/20 <b>350 [1]</b> 1/24 <b>3553 [1]</b> 52/16 <b>371 [2]</b> 10/22 56/15 <b>377 [1]</b> 12/22 <b>4</b> <b>40 [2]</b> 37/21 38/5 <b>400 [3]</b> 21/19 21/20 28/12 <b>429 [1]</b> 28/13 <b>48 [1]</b> 21/19 <b>4th [1]</b> 1/24 <b>5</b> <b>514 [7]</b> 31/4 31/7 31/11 35/7 35/10 35/20 56/17 <b>56 [3]</b> 66/24 67/2 67/21 <b>6</b> <b>60 [4]</b> 17/6 50/15 67/2 67/9 <b>60-month [1]</b> 67/6 <b>66 [2]</b> 24/14 55/1 <b>7</b> <b>702 [2]</b> 13/2 13/21 <b>7106 [1]</b> 70/13 <b>72 [2]</b> 50/14 50/14 <b>753 [1]</b> 70/3 <b>8</b> <b>81 [1]</b> 62/23 <b>86 [1]</b> 62/23 <b>8913 [1]</b> 1/25 <b>894-8913 [1]</b> 1/25 <b>9</b> <b>90012 [3]</b> 1/24 2/9 2/16 <b>91s [1]</b> 49/3 <b>97 [1]</b> 56/24 <b>A</b> <b>A.M [1]</b> 3/2	<b>A.P [1]</b> 5/21 <b>abiding [1]</b> 69/3 <b>able [6]</b> 10/14 27/11 27/12 54/19 54/20 62/1 <b>above [1]</b> 70/6 <b>above-entitled [1]</b> 70/6 <b>absolutely [4]</b> 28/6 28/9 54/1 63/16 <b>abundance [1]</b> 64/12 <b>accept [1]</b> 59/25 <b>accepted [3]</b> 29/17 54/8 59/24 <b>access [1]</b> 42/19 <b>accomplishment [1]</b> 52/21 <b>accord [6]</b> 16/25 16/25 17/8 17/9 44/10 44/10 <b>according [1]</b> 44/5 <b>account [7]</b> 21/25 30/5 47/10 53/6 58/20 59/6 60/10 <b>accused [3]</b> 4/8 5/12 8/12 <b>accuser [3]</b> 15/6 19/3 25/12 <b>acknowledge [1]</b> 53/15 <b>act [6]</b> 8/4 11/5 15/8 28/23 50/9 66/21 <b>acting [3]</b> 2/6 9/24 26/7 <b>actions [3]</b> 6/10 38/17 61/12 <b>active [1]</b> 59/16 <b>actual [8]</b> 7/17 9/12 10/16 11/24 12/2 13/16 18/5 32/25 <b>actually [34]</b> 6/11 7/1 7/12 10/21 11/7 14/2 14/14 14/19 14/20 14/22 16/21 17/23 17/25 18/4 19/5 19/10 20/15 21/17 22/10 22/12 24/8 25/9 25/13 25/24 25/25 28/17 28/18 28/20 29/24 30/2 62/17 63/1 63/7 63/11 <b>Adams [14]</b> 24/14 28/14 28/15 28/16 37/15 37/21 37/24 38/2 38/4 38/13 38/24 39/10 47/13 54/25 <b>add [2]</b> 34/5 35/22 <b>added [2]</b> 36/12 36/22 <b>addicts [2]</b> 24/18 25/2 <b>addition [3]</b> 42/17 51/3 68/2 <b>additional [1]</b> 36/5	<b>address [5]</b> 4/25 10/14 16/15 61/4 68/11 <b>addressed [4]</b> 11/20 29/21 32/16 47/3 <b>adjustments [1]</b> 36/23 <b>administration [1]</b> 14/17 <b>administrative [3]</b> 8/21 13/23 19/16 <b>admirable [1]</b> 57/22 <b>admiration [1]</b> 26/16 <b>admonition [1]</b> 49/22 <b>advantage [1]</b> 54/6 <b>advice [5]</b> 11/22 16/13 26/5 26/6 30/8 <b>advise [1]</b> 44/15 <b>advocated [1]</b> 39/10 <b>affect [3]</b> 45/3 45/5 45/17 <b>affected [1]</b> 61/13 <b>after [11]</b> 6/19 6/19 11/7 28/18 30/25 38/18 42/14 44/12 48/14 51/22 68/13 <b>again [86]</b> <b>against [14]</b> 4/8 5/11 6/12 9/11 9/19 10/1 11/9 13/4 13/21 22/2 28/23 39/25 40/3 65/6 <b>agencies [3]</b> 7/8 22/8 47/24 <b>agency [4]</b> 22/11 23/18 29/24 45/10 <b>Agent [1]</b> 21/21 <b>aggrieved [2]</b> 9/10 9/18 <b>ago [1]</b> 35/17 <b>agree [3]</b> 7/8 57/7 57/23 <b>Alexander [2]</b> 28/15 28/16 <b>alias [1]</b> 19/7 <b>alive [1]</b> 58/24 <b>all [84]</b> <b>all-capital [2]</b> 5/19 30/16 <b>allow [1]</b> 34/11 <b>allowed [1]</b> 27/14 <b>allowing [1]</b> 27/12 <b>allows [1]</b> 46/16 <b>almost [3]</b> 18/23 21/19 21/20 <b>along [8]</b> 6/20 14/21 53/19 62/8 62/10 64/8 64/19 66/2 <b>already [1]</b> 8/9 <b>also [27]</b> 3/14 6/1 7/20 7/25 8/13 10/5 11/19 13/11 16/17 20/20 21/8 21/21 21/24 26/9 33/7 33/11 42/10
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{PLAINTIFF} V.  
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